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August 19, 2009

VIA HAND DELIVERY

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street
Washington, D.C. 20423

ENTERED
Office of Proceedings
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Part of
Public Record

Re: Finance Docket No. 35289 -
Request for Oral Argument on Petition to Review Arbitration Award

Dear Secretary Quinlan:

Pursuant to 49 C.F.R. § 1116.1, Petitioner, Penn Central Transportation Company ("Penn Central"), requests oral argument on its Petition to Review Arbitration Award filed contemporaneously with this request. The Petition raises significant issues of egregious error and bias concerning the award of more than \$560,000 in benefits to 32 former railroad workers at the Cleveland Union Terminal and the supposedly "neutral" Chairman's decision to "enhance" that award by more than \$12,500,000 in compounded prejudgment interest. This appeal raises important questions regarding the Surface Transportation Board's exclusive authority over railroad consolidations including protective agreements, causation and the burden of proof for labor protection benefits, neutral arbitrator bias, the effect of voluntary termination from replacement positions after job abolishment, calculation of displacement allowances, and exceeding limits on arbitrator authority by awarding prejudgment interest as a penalty. Even with the additional pages Penn Central requests for its Petition to Review, that filing does not permit full explication of the egregious flaws in the 181 pages of the arbitration decision (as highlighted in the 33 page dissent) or of the significant factual record comprised of 664 pages of arbitration transcript and 167 hearing exhibits. Oral argument would not only permit further analysis of these important issues of fundamental labor policy but enable the Board to critically assess the parties' arguments through dialogue with the counsel who conducted the arbitration.

Very truly yours,


Michael L. Cioffi

cc: Carla M. Tricarichi, Esq.
Mark Griffin, Esq.
Randy J. Hart, Esq.

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